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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,780	08/24/2001	Rong C. Fang	069116.0180	9034
50627 7590 06/23/2008 BAKER BOTTS L.L.P. 2001 ROSS AVENUE 6TH FLOOR DALLAS, TX 75201				
EXAMINER				
MEW, KEVIN D				
ART UNIT		PAPER NUMBER		
2616				
NOTIFICATION DATE		DELIVERY MODE		
06/23/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOmail3@bakerbotts.com
PTOmail4@bakerbotts.com

Office Action Summary

Application No.

09/935,780

Applicant(s)

FANG ET AL.

Examiner

Kevin Mew

Art Unit

2616

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 2, 9, 13 and 17 is/are allowed.
- 6) ☒ Claim(s) 3-8, 10-12, 14-16, 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

Final Action

Response to Amendment

1. Applicant's Arguments/Remarks filed on 3/14/2008 with respect to claims 1-20 have been considered. Claims 1-20 are currently pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 3-4, 7-8, 10, 12, 14, 16, 18, 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. As to claims 3-4, 10, 14, 18, "means for encapsulating," "means for setting," "means for transporting," "means for extracting" are the claimed subject matter for which the specification is not enabling, and were not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. As to claims 7-8, 12, 16, 20, "means for generating" is the claimed subject matter for which the specification is not enabling, and were not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. There is no disclosure whatsoever in the specification and/or drawings with respect to "means for encapsulating," "means for setting," "means for transporting," and "means for generating."

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 5-6, 8, 11, 15, 19 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In claims 5-6, 11, 15, 19, “a computer-readable medium” is claimed and therefore lacks patentable utility because it does not provide a practical application that transforms or reduces an article or physical object to a different state. Although the specification of the instant application states that the functions provided in these claims may be performed in computer systems, it is noted by the examiner that there is no disclosure of “a computer-readable medium” such as a hard disk, optical disk, CD ROM, and so on in the drawings submitted by applicant, let alone any disclosure of computer readable medium encoded with computer readable instructions for executing the method of the claimed invention. Accordingly, the “computer-readable medium” as claimed in each of claims 5-6, 11, 15, 19 is determined to be non-statutory.

Response to Arguments

4. Applicant's arguments filed on 3/14/2008 with respect to claims 3-8, 10-20 have been fully considered but they are not persuasive.

Applicant argued on page 1, paragraph 2 of the Remarks in response to claims 3-4, 7-8, 10, 12, 14, 16, 18, 20 being rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement, examiner respectfully disagrees with applicant's arguments. As to claims 3-4, 10, 14, 18, “means for encapsulating,” “means for setting,” “means for

transporting,” “means for extracting” are the claimed subject matter for which the specification is not enabling, and were not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. As to claims 7-8, 12, 16, 20, “means for generating” is the claimed subject matter for which the specification is not enabling, and were not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. Although the specification of the instant application mentions the functions provided in these claims may be performed in computer systems, it is noted by the examiner that there is no disclosure of any kind in the specification and/or drawings about the “means for encapsulating,” “means for setting,” “means for transporting,” and “means for generating,” as allegedly argued by applicant.

With respect to claims 5-6, 11, 15, 19, applicant argued on page 1, paragraph 3 of the Remarks that the amended “computer-readable medium” contains statutory subject matter, examiner respectfully disagrees. Although the specification of the instant application mentions the functions provided in these claims may be performed in computer systems, it is noted by the examiner that there is no disclosure of “a computer-readable medium” of any kind such as a hard disk, CD and so on in the drawings as submitted by applicant, let alone a computer readable medium encoded with computer readable instructions for executing the method of the claimed invention. Therefore, the “computer-readable medium” as claimed in each of claims 5-6, 11, 15, 19 does not provide a practical application that transforms or reduces an article or physical object to a different state and is determined to be non-statutory.

In light of the foregoing reasons, claims 3-4, 7-8, 10, 12, 14, 16, 18, 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement., and

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Claims 5-6, 8, 11, 15, 19 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Allowable Subject Matter

5. Claims 1-2, 9, 13, 17 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

In claim 1, a method for transporting data, comprising:

the Final Payload Count Valid field, the Final Payload Count Valid field indicating whether or not the payload section includes a Final Payload Count field, the Final Payload Count field indicating an amount of data placed in the payload section.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Mew whose telephone number is 571-272-3141. The examiner can normally be reached on 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin Mew /K. M./
Examiner, Art Unit 2616

/Chi H Pham/
Supervisory Patent Examiner, Art Unit
2616
6/19/08